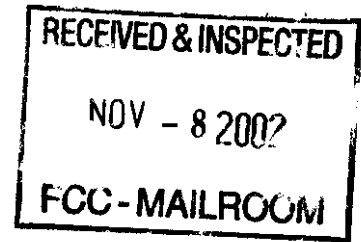


Federal Communications Commission

DA 02-3064

Before the  
Federal Communications Commission  
Washington, D.C. 20554



In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. 02-351
Table of Allotments,	)	RM-10601
FM Broadcast Stations.	)	
(Blanket, Texas)	)	

### NOTICE OF PROPOSED RULE MAKING

**Adopted: October 30, 2002**

**Released: November 8, 2002**

**Comment Date: December 30, 2002**

**Reply Date: January 14, 2003**

By the Chief, Allocations Branch

1. The Commission has before it for consideration a Petition for Rule Making filed by Robert Fabian ("Fabian") requesting the allotment of Channel 284A at Blanket, Texas. Fabian stated that he would file an application **for** Channel 284A at Blanket if the channel is allotted to the community.

2. We believe the proposal warrants consideration because the proposed allotment could provide a first local FM broadcast service to the community **of** Blanket, Texas. Fabian states that Blanket is an incorporated community with **a** population of over 442 people. Fabian also states that Blanket has its own local government, post office, city hall, fire department, schools and numerous churches that serve the community. A staff engineering analysis indicates that Channel 284A can be allotted to Blanket consistent with the minimum distance separation requirements of the Commission's Rules without a site restriction.<sup>1</sup>

3. In view of the fact that the proposed allotment could provide a first **local** service to Blanket, Texas, the Commission believes it would serve the public interest to solicit comments **on** the proposal to allot Channel 284A to Blanket. Therefore, we will seek comments **on** the proposed amendment to the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, with respect to Blanket, Texas:

	Channel No.	
Community	Present	Proposed
Blanket, Texas	-----	284A

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<sup>1</sup> The coordinates for Channel 284A at Blanket are 31-49-24 and 98-47-12.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and **are** incorporated by reference herein. In particular, we note that a showing of continuing interest is **required** by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before December 30, 2002, and reply comments on or before January 14, 2003, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW, TW-A325, Washington, D.C., 20554. Additionally, a copy of such comments should be served on the petitioner, as follows:

Robert Fabian  
4 Hickory Crossing Lane  
Argyle, Texas 76226

6. Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial Overnight courier, or by first-class or overnight U.S. Postal Service **mail** (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive handdelivered or messengerdelivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00a.m. to 7:00p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail or Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority should be addressed to 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules?

8. For further information concerning this proceeding contact Kathleen Scheuerle, Media Bureau, (202) 418-2180. For purposes of this restricted notice and comment rule making proceeding, members of the public **are** advised that no *ex parte* presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the commission or review by any court. An *ex parte* presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon other parties to the proceeding unless the Commission specifically waives this service requirement.

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<sup>2</sup> See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, February 9, 1981.

**Any** comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in this proceeding.

FEDEFUL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau

## APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204.(b) and 0.283 of the Commission's Rules, **IT IS PROPOSED TO AMEND** the FM Table of Allotments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off Procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (**See** Section 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. such comments and reply comments shall be accompanied by a certificate of service. (**See** Section 1.420(a), (b) and (c) of the Commission's Rules.) Comments should be filed with the Secretary, Federal Communications Commission, 445 Twelfth Street, SW, Washington, D, C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Information Center (Room CY-A257) at its headquarters, 445 Twelfth Street, SW, Washington, D. C 20554.